

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Tuesday, May 4, 2021

Hearing Room 1539

10:00 AM
2:00-00000

Chapter 0

**#0.00 All hearings scheduled for today will be conducted remotely,
using ZoomGov video and audio.**

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required **but you must still notify Chambers at [Chambers SBluebond@cacb.uscourts.gov](mailto:SBluebond@cacb.uscourts.gov) of your appearance**". The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:

<https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond> under the tab, "Telephonic Instructions."

5/4/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1617331730>

ZoomGov meeting number: 161 733 1730

Password: 014139

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

Docket 0

Courtroom Deputy:

**United States Bankruptcy Court
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CONT...

Chapter 0

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Tuesday, May 4, 2021

Hearing Room 1539

10:00 AM

2:21-11409 Lyndia Elizabeth Carter

Chapter 7

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Honda Civic Sport Sedan VIN# 2HGFC2F82KH519349

MOVANT: ALLY BANK

Docket 18

Courtroom Deputy:

5/4/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1617331730>

ZoomGov meeting number: 161 733 1730

Password: 014139

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(when prompted, enter meeting number and password shown above)

Tentative Ruling:

Grant with waiver of Rule 4001(a)(3).

Party Information

Debtor(s):

Lyndia Elizabeth Carter

Represented By
Marc A Goldbach

Movant(s):

Ally Bank

Represented By
Marjorie M Johnson

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, May 4, 2021

Hearing Room 1539

10:00 AM

2:21-12064 Roberto Antonio Sanchez Morales

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Honda Civic, VIN# JHMF C1F3 7JX0 03266

MOVANT: HONDA LEASE TRUST

Docket 7

Courtroom Deputy:

5/4/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1617331730>

ZoomGov meeting number: 161 733 1730

Password: 014139

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

Tentative Ruling:

Grant with waiver of Rule 4001(a)(3).

Party Information

Debtor(s):

Roberto Antonio Sanchez Morales

Represented By
Barry E Borowitz

Movant(s):

Honda Lease Trust

Represented By
Vincent V Frounjian

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, May 4, 2021

Hearing Room 1539

2:00 PM

2:19-24335 Eunho Kim

Chapter 7

Adv#: 2:20-01195 Dye v. Kim et al

#0.00 Status Conference re: 11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer)),(41 (Objection / revocation of discharge - 727(c),(d),(e))), (91 (Declaratory judgment)) Complaint by Carolyn A. Dye against Eunho Kim, Eunho Kim as Trustee of the Eun Ho Kim Irrevocable Living Trust, Connie H. Kim, Connie H. Kim as trustee of The Eun Ho Kim Irrevocable Living Trust, Kye Sik Moon, Selk Group, Inc., a California Corporation

fr. 10-27-20, 1-19-21, 4-20-21

Docket 1

Courtroom Deputy:

4/20/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1616186822>

ZoomGov meeting number: 161 618 6822

Password: 124476

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

(when prompted, enter meeting number and password shown above)

Tentative Ruling:

10/28/20 -- Court entered order denying motion to dismiss, setting deadline of November 30, 2020 for filing of answers to complaint and setting status conference for January 19, 2021. (Parties are to file joint status report not later than January 5, 2021.)

1/5/21 -- Court orally granted motion for default judgment against defendant Connie Kim. Action remains unresolved as against other defendants.

Tentative Ruling for January 19, 2021:

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CONT... Eunho Kim

Chapter 7

Set discovery cutoff for late April, 2021. When will plaintiff be in a position to bring her motion for summary judgment? Hearing required.

1/22/21 -- Court signed scheduling order setting following dates:

Discovery cutoff -- May 17, 2021

Cont'd status conference -- April 20, 2021 at 2:00 p.m.

L/D to file joint status report -- April 6, 2021

If motion for partial summary judgment is filed by March 9, 2021, it may be heard at the same time as the status conference.

Tentative Ruling for April 20, 2021:

Status conference report represents that a motion for summary judgment will have been filed by the time of the status conference and will be set for hearing on May 25, 2021 at 2:00 p.m. Has such a motion been filed?

Discuss with parties issues surrounding scheduling of meet and confer and whether it makes sense to order this matter to mediation.

Tentative Ruling for May 4, 2021:

Revisit status of action after conclusion of hearing on related matter.

Party Information

Debtor(s):

Eunho Kim

Represented By
Simon S Chang

Defendant(s):

Eunho Kim

Represented By
Donald E Iwuchuku

Eunho Kim as Trustee of the Eun Ho

Represented By
Donald E Iwuchuku

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CONT... Eunho Kim

Chapter 7

Kye Sik Moon

Represented By
Donald E Iwuchuku

Selk Group, Inc., a California

Pro Se

DOES 1 - 20, Inclusive

Pro Se

Plaintiff(s):

Carolyn A. Dye

Represented By
Christian T Kim
Ann Chang
James A Dumas Jr

Trustee(s):

Carolyn A Dye (TR)

Represented By
Christian T Kim
Ann Chang
James A Dumas Jr

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2:19-24335 Eun Ho Kim

Chapter 7

Adv#: 2:20-01195 Dye v. Kim et al

#200.00 Plaintiff's Motion and Memorandum of Points and Authorities in support of Motion for Entry of Final Judgment against Defendant Connie H. Kim

Docket 45

Courtroom Deputy:

5/4/21 - Hearing conducted by ZOOMGov.

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Tentative Ruling:

The Court's tentative ruling when the court granted the trustee's default motion read as follows:

Grant motion. Enter judgment for plaintiff quieting title to the property in the bankruptcy estate. The 2014 transfer to the Irrevocable Trust was invalid and transferred nothing in that, as of the time the debtor executed a quit claim deed in favor of the Irrevocable Trust, he was no longer the owner of the property and was outside the chain of title. Title to the property was held by the debtor's living trust at the time of the transfer and remained owned by the living trust as of the petition date. As his living trust can be revoked at any time by the debtor, the property became an asset of his bankruptcy estate at the time of the filing.

(If court grants motion, take status conference currently scheduled for January 19, 2021 at 2:00 p.m. off calendar.)

The court did not grant the motion based on a fraudulent transfer theory, as the trustee cannot avoid as a fraudulent transfer a transfer that never

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CONT... Eun Ho Kim

Chapter 7

occurred. As the trustee had argued that the deed was out of the chain of title, if this were true, there would not have been a transfer to avoid. According to the trustee, the debtor may now be claiming that there was only one trust and that it was converted from a revocable trust into an irrevocable trust, and therefore that there is no problem with the chain of title. Stated differently, the debtor's contention appears to be that it doesn't matter if/that the second transfer of the property was unnecessary or ineffective because title was already held by the trust and the debtor converted the trust into an irrevocable trust (with the result that the property did not come into his bankruptcy estate at filing because an irrevocable trust is not disregarded for bankruptcy purposes). Court agrees with the trustee that an amendment to the trust to make it irrevocable would have the same effect as, and is the functional equivalent for fraudulent transfer purposes of, a transfer to a new irrevocable trust: it would be the act that had the effect of transferring the property from the debtor (for bankruptcy purposes) to a separate entity.

However, what does the original complaint plead? The trustee's complaint seeks to avoid the deed transferring the property to the irrevocable trust (or in the alternative, in the fifth claim for relief, to quiet title to the property in the estate because the deed transferring it to the irrevocable trust was out of the chain of title). It does not seek to avoid the amendment of the trust under a fraudulent transfer theory. On these facts would it be appropriate to simply modify the judgment without first amending the complaint and bringing a new motion for default judgment if there is a default in response to the amended complaint?

The Court granted the motion for default judgment under the trustee's fifth claim for relief -- to quiet title in the estate. The Court's ruling was that the property remains an asset of this bankruptcy estate. None of the defendants has moved for reconsideration of the order granting the default judgment motion and, in light of the fact that this was a motion for default judgment, before the defendant would be permitted to defend the action, he/she/it would have to have the default itself set aside. That hasn't occurred either. If the trustee is now ready to have a final judgment entered, the court could enter a judgment based on its January 11, 2021 order, but, if the trustee now wants judgment under a different theory not pleaded in the complaint (that the amendment of the trust was a fraudulent transfer), it would seem that the trustee will need to amend her complaint and start the process over.

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CONT... Eun Ho Kim

Chapter 7

Party Information

Debtor(s):

Eun Ho Kim

Represented By
Simon S Chang
Donald E Iwuchuku

Defendant(s):

Eun Ho Kim

Represented By
Donald E Iwuchuku

Eunho Kim as Trustee of the Eun Ho

Represented By
Donald E Iwuchuku

Kye Sik Moon

Represented By
Donald E Iwuchuku

Selk Group, Inc., a California

Pro Se

DOES 1 - 20, Inclusive

Pro Se

Movant(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr

Plaintiff(s):

Carolyn A. Dye

Represented By
Christian T Kim
Ann Chang
James A Dumas Jr

Trustee(s):

Carolyn A Dye (TR)

Represented By
Christian T Kim
Ann Chang
James A Dumas Jr